



WISCONSIN LEGISLATIVE COUNCIL AMENDMENT MEMO

2003 Assembly Bill 109	Assembly Substitute Amendment 1 and Assembly Amendment 1
<i>Memo published: August 29, 2003</i> <i>Contact: Mark C. Patronsky, Senior Staff Attorney (266-9280)</i>	

2003 Assembly Bill 109 relates to modifying a variety of statutes within the jurisdiction of the Department of Natural Resources (DNR). The statutes affected by the bill relate to possession of firearms by minors less than 12 years old, persons accompanying minors when hunting or possessing a firearm, small game hunting licenses for minors less than 16 years old, possession of firearms in schools, hunter education programs and certificates, application of proceeds received by DNR from the sale of pelts that are prepared during trapper education programs to provide additional funds for trapper education, and the use of certain arrow tips on crossbows.

ASSEMBLY SUBSTITUTE AMENDMENT 1

Recognition of Hunter Education Certificates

The bill authorizes DNR to recognize hunter education certificates from other countries that have a hunter safety course that is recognized by DNR under a reciprocity agreement. The substitute amendment deletes the requirement for a reciprocity agreement, thus allowing DNR to evaluate and recognize the certificate based on its own analysis of the course offered in the other country.

Seizure and Sale of Confiscated Wild Animals or Plants, Vehicles, Boats, or Other Objects

DNR wardens currently have authority to seize and confiscate wild animals, carcasses, or plants that are taken in violation of statutes under DNR jurisdiction that relate to fish and game, wild animals, and wild plants. DNR may also seize vehicles, boats, or other objects that are used in violation of fish and game laws and certain enumerated weapons laws. DNR has authority to sell confiscated items that are not destroyed. The substitute amendment makes these statutes consistent by modifying the statutes to which each of these provisions apply.

Sale of Confiscated Fish and Game

Current statutes allow the owner or operator of a restaurant who purchases confiscated fish and game from the DNR to serve it to customers in a restaurant. The substitute amendment repeals the current statute and substitutes a broader authorization for DNR to give permission for use of confiscated fish or game that is sold.

Possession of Firearms in Schools or on School Grounds

As required by federal law, current s. 120.13, Stats., requires suspension of and the commencement of expulsion proceedings for a public school pupil who possesses a firearm at school. The bill creates an exemption from this requirement for a pupil possessing a firearm in a hunter education program. The substitute amendment creates an exemption for a pupil who possesses a firearm in order to participate in any activity approved by the school board, if the school board has adopted safety standards and the pupil participating in the activity complies with those safeguards. The change makes the exemption substantially the same as an exemption in the federal law. In addition, the substitute amendment adds an exemption to the suspension and expulsion proceedings requirement, if a pupil has a firearm lawfully stored inside a locked vehicle on school property. This is also an exemption under federal law.

The bill also adds language to the current criminal statute on gun-free school zones. The current statute prohibits possession of firearms in a school zone or discharge of firearms in a school zone. The current statute exempts from these two prohibitions any actions by an individual (whether or not a pupil) in a program approved by a school in the school zone. The bill adds hunter education programs to these two exemptions. The substitute amendment deletes the changes to criminal law. The current Wisconsin criminal statutes conform with federal criminal law. The bill creates an exemption for hunter education programs and does not require approval by the school, as required for the exemption under federal law. Thus, the bill would decriminalize activity (participation in a hunter education program that was not approved by a school board in the school zone) which would continue to be prohibited by federal criminal law. Deleting these two changes in the bill retains consistency with federal law.

ASSEMBLY AMENDMENT 1

The substitute amendment authorizes the issuance of resident small game hunting licenses to nonresident minors. A minor is defined as a person who is at least 12 years of age but less than 16 years of age. The substitute amendment requires the DNR to issue a resident small game hunting license to a minor who resides in another state if: (1) the state in which the nonresident minor resides issues hunting licenses to minors who are Wisconsin residents; and (2) the other state collects the same fee from Wisconsin resident minors as it does from its own resident minors.

Assembly Amendment 1 to Assembly Substitute Amendment 1 expands the scope of the substitute amendment so that it applies not only to small game hunting licenses, but also to resident deer hunting licenses, resident archer hunting licenses, and bonus or special deer hunting permits. The amendment requires DNR to issue any of those hunting approvals to a nonresident minor if: (1) the other state issues a similar hunting approval to minors who are Wisconsin residents; and (2) the other state collects the same fee from Wisconsin minors as it does from its own resident minors.

LEGISLATIVE HISTORY

Assembly Substitute Amendment 1 was introduced by the Assembly Committee on Natural Resources. The committee recommended adoption of the amendment and passage of the bill, as amended, by a vote of Ayes, 10 and Noes, 0 on April 15, 2003.

Assembly Amendment 1 to Assembly Substitute Amendment 1 was introduced by Representative DuWayne Johnsrud on April 22, 2003. The Assembly adopted Assembly Amendment 1 to Assembly Substitute Amendment 1 and Assembly Substitute Amendment 1 and passed Assembly Bill 109, as amended, by voice votes on May 29, 2003.

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